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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**

7 Grand Canyon Ranch, LLC,

No. CV-13-01855-PHX-SPL

8 Plaintiff,

ORDER

9 vs.

10 Fann Contracting, Inc., et al.,

11 Defendants.

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13 Fann Contracting, Inc. et al.,

14 Counterclaimants,

15 vs.

16 Grand Canyon Ranch, LLC, et al.,

17 Counterdefendants.

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19 Fann Contracting, Inc.,

20 Third-Party Plaintiff,

21 vs.

22 Sally Jewel,

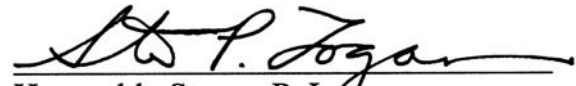
23 Third-Party Defendant.

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26 This matter having recently come before this Court,

27 **IT IS ORDERED** that a motion pursuant to Rule 12(b) of the Federal Rules of
28 Civil Procedure is discouraged if the defect can be cured by filing an amended pleading.

1 Therefore, the parties must meet and confer prior to the filing of a motion to dismiss to
2 determine whether it can be avoided. Consequently, motions to dismiss must contain a
3 certification of conferral indicating that the parties have conferred to determine whether
4 an amendment could cure a deficient pleading, and have been unable to agree that the
5 pleading is curable by a permissible amendment. In addition, parties shall endeavor not to
6 oppose motions to amend that are filed prior to any Scheduling Conference or within the
7 time set forth in by any Rule 16 Case Management Order. Motions to dismiss that do not
8 contain the required certification are subject to be stricken on the Court's motion.

9 Dated this 12th day of September, 2013.

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11 Honorable Steven P. Logan
12 United States Magistrate Judge
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